



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 3, 2012

CBCA 2759-TRAV

In the Matter of HEATHER GREENWOOD

Heather Greenwood, Portsmouth, NH, Claimant.

James Kendall, Comptroller, Submarine Maintenance Engineering, Planning and Procurement (SUBMEPP) Activity, Department of the Navy, Portsmouth, NH, appearing for Department of the Navy.

GOODMAN, Board Judge.

The Board recently issued an advance decision under 31 U.S.C. § 3529 (2006) in this case. *Heather Greenwood*, CBCA 2759-TRAV (March 22, 2012). The agency has filed a request for clarification which we treat as a request for reconsideration and to which we respond accordingly.

In our decision, we held that:

Under the circumstances described by the agency, we believe that the AO has the authority to approve reimbursement for the traveler's lodging in Seattle, outside the TDY area, for the evening before departure. This would alleviate the possibility of substantial delay caused by unpredictable traffic conditions and assure that the traveler boarded the scheduled flight back to his permanent duty station without traveling in a rental car during unreasonable hours as defined in the JTR. These arrangements are to

protect the traveler's comfort and well-being, as required by the JTR, and are not based upon the traveler's personal preference or convenience. The AO need not designate Seattle as the TDY location for the last day of travel.

The agency has requested clarification as to whether, under the circumstances addressed in the advance decision the traveler should be paid the per diem applicable to the TDY location or the greater per diem rate applicable to Seattle. We believe that for the period the traveler is lodging in Seattle, the per diem rate applicable to Seattle should apply, as the traveler would be incurring expenses in Seattle.

ALLAN H. GOODMAN
Board Judge